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## Lap-band promoters' troubled history

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The waiting room of the Beverly Hills surgery clinic was teeming with customers on a recent Saturday, with many of the patients there for the weight-loss operation hawked on freeway billboards, bus placards, and TV and radio commercials across Southern California: 1-800-GET-THIN.

But few, if any, were probably aware of the troubled history of the medical suite where they might be waiting to undergo major surgery.

Suite 106 at 9001 Wilshire Blvd., currently known as the Beverly Hills Surgery Center, has for years been a business address of TopSurgeons, the sponsors of the ubiquitous marketing campaign for the lap-band -- a surgical implant designed to suppress the appetite of obese patients and normally prescribed for those who are at least 75 to 100 pounds overweight.

As I wrote last month, the people behind TopSurgeons are the **Omid** brothers -- Julian, whose medical license was revoked in 2009, and Michael, who was placed on three years' probation for gross negligence in 2008, according to the Medical Board of California.

TopSurgeons attracts customers in part by pitching the lap-band to people who, according to conventional medical guidelines, shouldn't need major surgery to shed weight.

The Omidis formerly operated the Wilshire Boulevard facility as the Almont Ambulatory Surgery Center.

Almont lost an important federal certification last summer after inspectors determined that conditions there posed "immediate jeopardy to the health and safety" of patients.

The government's cancellation of the clinic's certification, which was effective July 20, meant it could no longer receive payments from Medicare and Medicaid for treating the programs' members.

Separately, the American Assn. for Accreditation of Ambulatory Surgery Facilities had already revoked the clinic's accreditation.

The California Department of Public Health was well aware of health and safety issues at the clinic -- its own staff had performed the inspection for the federal government.

The Medical Board of California was aware of the history of TopSurgeons' owners because it was the agency that had revoked Julian **Omid**'s license and placed his brother Michael on probation.

Yet state regulators' ability to respond to the actions by the federal government and the accreditation body was limited.

Under state law, no agency has clear jurisdiction over such free-standing ambulatory surgical centers.

Free-standing surgical centers owned by a physician are exempt from licensing by the Department of Public Health.

For its part, the California Medical Board has no legal oversight over a surgical facility because its legal

authority extends only to disciplining individual doctors.

The federal government's authority is limited to determining whether a clinic can participate in Medicare and Medicaid (in this state, Medi-Cal). Once it does that, its regulatory bolt is shot.

Robert Silverman, an attorney representing the Omidis, points out that his clients "have no involvement in the performance of weight loss surgeries themselves."

So why should you care about them?

For one thing, the business model of free-standing surgery clinics unaffiliated with hospitals is spreading.

These places perform major surgery under general anesthesia, which can be life-threatening.

If there are any holes in the regulatory safety net applicable to such facilities, they need to be closed, but quick.

Then there are the particulars of that June inspection report of Almont Ambulatory Surgery Center, which runs for 22 pages. Here are some highlights:

- The inspectors found unsanitary conditions in the surgical areas. Medications and supplies to treat complications from anesthesia were expired or missing, though 23 patients were waiting for surgery.
- Surgical instruments weren't being properly disinfected. Medical supplies that were supposed to have been tossed after use on a single patient were being reused. Two employees had positive tests for tuberculosis, but there was no record that they got required follow-up chest X-rays.
- The crash cart, which carries equipment and supplies for cardiac emergencies, contained opened and expired drugs and supplies, including some more than 4 years old. Other drugs and supplies, including emergency drugs, were months or years past expiration. Filled and inadequately labeled syringes were found in the operating room. Most of the scrub sinks weren't working.
- Patient records, which contain such confidential information as psychological exams, were left where unauthorized people could read them.

That inspection wasn't the only one to turn up problems. The American Assn. for Accreditation of Ambulatory Surgery Facilities, a voluntary association that inspects such facilities to make sure they're safe and properly run, had revoked the facility's accreditation April 4.

The association's executive director, Jeff Percy, told me that it had suspended Almont's credentials a few weeks earlier, after receiving a serious complaint that he wouldn't specify.

During an unannounced visit April 4, its inspectors discovered that surgery was being performed on the premises despite the suspension. Percy said his organization promptly informed federal Medicare authorities and the state medical board of its action. Silverman blames those violations on unidentified Almont managers who he said were placed in charge by the Omidis.

He said Almont went out of business soon after the revocation of its certification and accreditation.

The clinic's quarters, he maintains, were then taken over by Beverly Hills Surgery Center. Under that name the facility received accreditation as an ambulatory care center in January from a different medical accreditation agency, the Joint Commission.

Silverman maintains that Beverly Hills Surgery Center is "a completely separate entity" from Almont. But he also acknowledged that Julian and Michael **Omid** helped launch Almont, and records show both have connections to Beverly Hills Surgery Center.

The Department of Public Health still lists Michael **Omid** as 100% owner of the surgery center at Suite 106 at 9001 Wilshire Blvd. and Almont as its corporate name, department spokesman Ralph Montano said Wednesday.

He said the information was filed with the agency in May 2009 and that the center's owners have not updated the filing since.

Julian **Omid**, who is identified in Los Angeles County records as president of Almont, is also listed as

president of TopSurgeons Inc., which, as mentioned earlier, also lists its address in state and county business filings as 9001 Wilshire Blvd., Suite 106.

Beverly Hills Surgery Center was registered with the county by Thomas C. Cloud on Oct. 15, 2009, also at 9001 Wilshire Blvd., Suite 106.

Cloud is a business associate of Julian **Omid**'s, according to legal papers Cloud filed in several lawsuits in Los Angeles Superior Court seeking payments from patients who allegedly did not pay their bills.

Cloud is a former doctor whose license was revoked by the medical board -- for the second time -- in 2001, based on a string of felony convictions, including a 1993 conviction for Medi-Cal fraud that garnered him a sentence of 16 months in state prison.

Silverman says Cloud isn't an employee of TopSurgeons, just "an independent contractor."

Through Silverman, the Omidis refused my request for interviews.

Silverman told me this week that TopSurgeons Inc. no longer conducts any business. There's a TopSurgeons LLC, he says, but it doesn't operate at 9001 Wilshire Blvd.

As of Wednesday, however, the California secretary of state's website listed that address as the entity's official address, and the TopSurgeons website listed the location as one of the offices to which it refers patients.

Silverman refused to identify the ownership and management of TopSurgeons LLC but said it's different from TopSurgeons Inc.

Should we take that on faith? I'll just note that when TopSurgeons LLC registered its business name with the county last April it listed the same Wilshire Boulevard surgical suite as its address and named as its registration agent Cindy **Omid**, which is the name of Julian and Michael **Omid**'s mother.

When TopSurgeons LLC filed its business registration with the California secretary of state in 2008, its agent was Thomas Cloud and its address of record was 9001 Wilshire Blvd., Suite 106.

Silverman said there was no "wrongdoing, illegal conduct, or even inappropriate conduct" involved here.

But the public record shows that one or both **Omid** brothers have been doing business out of the same location under various corporate names since at least 2005 -- and it's a location that has drawn some not entirely positive attention from health and medical inspectors.

If I were even remotely inclined to answer one of those "GET THIN" ads, I'd like to know if my regulators were still keeping their eyes on the place.

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PHOTO: POTENT PITCH: The lap-band campaign includes billboards along Interstate 5 in the City of Commerce.; PHOTOGRAPHER: Glenn Koenig Los Angeles Times

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